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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/558,444

12/12/2006

Herbert Kirner

502901-426PUS

6156

27799

7590

11/30/2009

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EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

MAIL DATE

DELIVERY MODE

11/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,444	Applicant(s) KIRNER ET AL.	
	Examiner DAMEON E. LEVI	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006(NEW APP).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/2006, 11/18/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 8, it is unclear whether the sealing lip comprises a dovetail shape, or, the thermoplastic elastomer is the dovetail shape, or further, the sealing lip comprises thermoplastic elastomer. Claims 9-14 depend therefrom.

Claims 8-14 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

It is unclear to the Office that the claim adequately shows the complete structural relationship between the frame and the double sided sealing lip. Claims 9-14 depend therefrom. The prior art rejections follow below as best understood by the Office.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2841

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis EP 0874182 A2.

Regarding claim 8, as best understood by the Office, Lewis discloses an assembly comprising:

a frame(element 12, Figs 1-8) arranged to encase the component;
a doubled sided sealing lip(element 42, Figs 1-8), the sealing lip arranged to provide mechanical force tolerance and compensation for the component and sealing lip, the sealing lip comprising a thermoplastic elastomer dovetailed shape and two arms, a first of said two arms being longer than a second of said two arms, and wherein the frame comprises recesses(element 26, Figs 1-8) for the elastomer to adhere to.

Additionally regarding claim 8, the recitations of “the sealing lip arranged to provide mechanical force tolerance and compensation for the component and sealing lip” and “wherein the frame comprises recesses for the elastomer to adhere to ” are construed by the Office as being functional and intended use recitation, and thus, are accorded little patentable weight herein.

Regarding claim 9, as best understood by the Office, Lewis discloses wherein the sealing lip comprises a single piece(element 42, Figs 1-8).

Regarding claim 10, as best understood by the Office, Lewis discloses wherein the frame comprises walls defining an interior opening and the recesses are located along the interior opening(element 26, Figs 1-8).

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Regarding claim 11, as best understood by the Office, Lewis discloses wherein the recesses are open V shaped(element 26, Figs 1-8).

Regarding claim 12, as best understood by the Office, Lewis discloses wherein the sealing lip is dovetailed and comprises two extending arms, a first of the two arms being longer than a second(element 42, Figs 1-8).

Regarding claim 13, as best understood by the Office, Lewis discloses wherein the first arm faces front(element 42, Figs 1-8).

Regarding claim 14, as best understood by the Office, Lewis discloses wherein the component is a display(Figs 1-8).

Regarding claims 15 and 16, the methods disclosed therein are deemed as being inherent in the assembly of the prior art since the prior art is construed as teaching or suggesting, as best understood, the elements therein. The claims are thus subsequently rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on (571) 272-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi
Primary Examiner
Art Unit 2841

/Dameon E Levi/
Primary Examiner, Art Unit 2841